

states is manifestly proper in light of the fact that all fee awards are the property of the client, and the attorney is entitled only to a reasonable fee. No attorney is above these ethical rules and obligations. They cannot be waived or ignored. And in light of our experience with the State tobacco settlement fee awards, and their effect on our public officials, these ethical duties must be carried out and enforced strictly and fully.

Our Federal and State courts generally do a good job of protecting consumers and enforcing the rights of all Americans. But there are problems in our courts that require attention and significant reform. Class action abuse not only threatens the integrity and the perception of rationality in our nation's courts, it also strongly hinders economic and job growth. Tort reform is badly needed to rescue many industries, especially our health care industry, from abuses of our legal system. The judicial confirmation process at the federal level has become bitter, severe and destructive, and that broken process poses a serious threat to judicial independence and the quality and efficiency of our courts. And abusive attorney fee arrangements make a mockery of our civil justice system, all while enriching a small band of unscrupulous litigators at the expense of the real victims, their clients.

To enforce the longstanding fiduciary duty of all attorneys to charge only a reasonable fee, in a class of cases that poses heightened risks of abuse and special significance to the national economy, I urge that this Senate consider expediently, and approve quickly, this important measure, the Intermediate Sanctions Compensatory Revenue Adjustment Act of 2003.

#### SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 118—SUPPORTING THE GOALS OF THE JAPANESE AMERICAN, GERMAN AMERICAN, AND ITALIAN AMERICAN COMMUNITIES IN RECOGNIZING A NATIONAL DAY OF REMEMBRANCE TO INCREASE PUBLIC AWARENESS OF THE EVENTS SURROUNDING THE RESTRICTION, EXCLUSION, AND INTERNMENT OF INDIVIDUALS AND FAMILIES DURING WORLD WAR II**

Mrs. BOXER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 118

Whereas, on February 19, 1942, President Franklin Delano Roosevelt signed Executive Order 9066, which authorized the exclusion of 120,000 Japanese Americans and legal resident aliens from the West coast of the United States and the internment of United States citizens and legal permanent residents of Japanese ancestry in internment camps during World War II;

Whereas the freedom of Italian Americans and German Americans was also restricted

during World War II by measures that branded them as enemy aliens and included required identification cards, travel restrictions, seizure of personal property, and internment;

Whereas President Gerald Ford formally rescinded Executive Order 9066 on February 19, 1976, in his speech, "An American Promise";

Whereas Congress adopted legislation which was signed by President Jimmy Carter on July 31, 1980, which established the Commission on Wartime Relocation and Internment of Civilians (the "Commission") to investigate the claim that the incarceration of Japanese Americans and legal resident aliens during World War II was justified by military necessity;

Whereas the Commission held 20 days of hearings and heard from over 750 witnesses on this matter and published its findings in a report entitled "Personal Justice Denied";

Whereas the Commission concluded that the promulgation of Executive Order 9066 was not justified by military necessity and that the decision to issue the order was shaped by "race prejudice, war hysteria, and a failure of political leadership";

Whereas Congress enacted the Civil Liberties Act of 1988, in which it apologized on behalf of the Nation for "fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry";

Whereas President Ronald Reagan signed the Civil Liberties Act of 1988 into law on August 10, 1988, proclaiming that day to be a "great day for America";

Whereas the Civil Liberties Act of 1988 established the Civil Liberties Public Education Fund, the purpose of which is "to sponsor research and public educational activities and to publish and distribute the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians so that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood";

Whereas Congress adopted the Wartime Violation of Italian Americans Civil Liberties Act, which was signed by President Bill Clinton on November 7, 2000, and which resulted in a report containing detailed information on the types of violations that occurred and lists of individuals of Italian ancestry that were arrested, detained, and interned;

Whereas the Japanese American community recognizes a National Day of Remembrance on February 19th of each year to educate the public about the lessons learned from the internment to ensure that such an event never happens again; and

Whereas the Day of Remembrance provides an opportunity for all people to reflect on the importance of justice and civil liberties during times of uncertainty and emergency: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the historical significance of February 19, 1942, the date President Roosevelt signed Executive Order 9066, which restricted the freedom of Japanese Americans, German Americans, Italian Americans, and legal resident aliens through required identification cards, travel restrictions, seizure of personal property, and internment; and

(2) supports the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the restrictions endured by the people in those communities as a result of Executive Order 9066.

Mrs. BOXER. Mr. President, today I am submitting a resolution to support the goals of the Japanese American, German American and Italian American communities in recognizing a "National Day of Remembrance." This resolution will increase public awareness of the events surrounding the restriction, exclusion and internment of individuals and families during World War II.

On February 11, 1942, President Franklin D. Roosevelt signed Executive Order 9066, which authorized the incarceration of over 120,000 Americans of Japanese, Italian and German ancestry. Not until 34 years later—on February 19, 1976—was E.O. 9066 formally rescinded by President Gerald Ford.

Since then, Congress and Presidents Carter, Reagan, and Clinton have recognized the "fundamental violation of the basic civil liberties and constitutional rights" of individuals detained and interned under E.O. 9066. The Commission on Wartime Relocation and Internment of Civilians established by Congress under President Carter concluded that the decision to issue E.O. 9066 was shaped by "race prejudice, war hysteria, and a failure of political leadership."

In the last half century, organizations, families and individuals all over the country have observed a day of remembrance on February 19 to educate others of the distinct experiences of Japanese, Italian, and German Americans during World War II. Congressional recognition of this "National Day of Remembrance" would assist in promoting dialogue and education of Americans on this very important event in our history.

We need to recognize and support the efforts to raise awareness of the experiences of interned Americans. I urge my colleagues to support this resolution.

**SENATE RESOLUTION 119—EXPRESSING THE SENSE OF THE SENATE THAT THERE SHOULD BE PARITY AMONG THE COUNTRIES THAT ARE PARTIES TO THE NORTH AMERICAN FREE TRADE AGREEMENT WITH RESPECT TO THE PERSONAL EXEMPTION ALLOWANCE FOR MERCHANDISE PURCHASED ABROAD BY RETURNING RESIDENTS, AND FOR OTHER PURPOSES**

Ms. COLLINS (for herself, Mr. BAUCUS, Mr. BINGAMAN, Mr. DOMENICI, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 119

Whereas the personal exemption allowance is a vital component of trade and tourism;

Whereas many border communities and retailers depend on customers from both sides of the border;

Whereas a United States citizen traveling to Canada or Mexico for less than 48 hours is exempt from paying duties on the equivalent of \$200 worth of merchandise on return to the United States, and for trips over 48 hours United States citizens have an exemption of up to \$800 worth of merchandise;

Whereas a Canadian traveling in the United States is given no exemption for trips of less than 24 hours;

Whereas a Canadian traveling in the United States is allowed a duty-free personal exemption allowance equivalent to, in Canadian currency—

(1) \$50 worth of merchandise, if the trip is over 24 hours but not over 48 hours;

(2) \$200 worth of merchandise, if the trip is over 48 hours but not more than 7 days; and

(3) \$750 worth of merchandise, if the trip is for over 7 days;

Whereas Mexico has a 2-tiered personal exemption allowance for its returning residents, set at the equivalent of \$50 worth of merchandise for residents returning by car and the equivalent of \$300 worth of merchandise for residents returning by plane;

Whereas Canadian and Mexican retail businesses have an unfair competitive advantage over many American businesses because of the disparity between the personal exemption allowances among the 3 countries;

Whereas the State of Maine legislature passed a resolution urging action on this matter;

Whereas the disparity in personal exemption allowances creates a trade barrier by making it difficult for Canadians and Mexicans to shop in American-owned stores without facing high additional costs;

Whereas the United States entered into the North American Free Trade Agreement with Canada and Mexico with the intent of phasing out tariff barriers among the 3 countries; and

Whereas it violates the spirit of the North American Free Trade Agreement for Canada and Mexico to maintain restrictive personal exemption allowance policies that are not reciprocal: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, should continue discussions with officials of the Governments of Canada and Mexico to achieve parity by harmonizing the personal exemption allowance structure of the 3 NAFTA countries at or above United States exemption levels.

Ms. COLLINS. Mr. President, I am pleased today to introduce a resolution seeking parity among the United States, Canada, and Mexico with respect to the personal exemption allowance for merchandise purchased abroad by returning residents. I am especially pleased to be joined today by Senators BAUCUS, BINGAMAN, DOMENICI, and CLINTON as original cosponsors.

For Maine citizens living near the U.S./Canadian border, moving freely and frequently between the two countries is a way of life. Cross-border business and family relationships abound. The difference in personal exemption allowances, however, puts Maine businesses near the Canadian border at a considerable disadvantage in relation to their Canadian counterparts.

A United States citizen traveling to Canada for fewer than 24 hours is exempt from paying duties on the equivalent of \$200 worth of Canadian merchandise. For trips over 48 hours, the exemption increases to \$800 worth of merchandise. This means that a Mainer living in a border community has the option to shop in both the United States and in Canada, seeking the best price and products. Under U.S. laws, Canadian stores are able to serve both

Canadian and American customers, and, because of the high exemption level, Americans are able to bring home from Canada a significant amount of merchandise duty free.

Unfortunately, these advantages are a one way street. A Canadian citizen is given no duty-free personal exemption allowance for trips under 24 hours. Canadian Customs is instructed to begin collecting duties and taxes on merchandise as long as it can collect three Canadian dollars. Canadian duty and sales tax rates range from seven to fifteen percent depending on the policies of the Canadian province; Nova Scotia, New Brunswick, and Newfoundland enforce a 15 percent Harmonized Sales Tax, HST on all imports. Assessing a 15 percent combined duty and tax rate, Canadian Customs begins to collect the duty and tax on the equivalent of only approximately \$14 worth of U.S. goods. Compare this to the \$200 limit given to U.S. citizens.

This means that a Canadian shopping for the day in Fort Kent, Madawaska, or Calais can bring home only \$14 worth of merchandise before a 15 percent duty is imposed. The exemption limit rises to a mere \$50 for trips between 24 and 48 hours. Restrictions such as these are a significant deterrent to Canadians who would otherwise shop in Maine communities.

In August of 2002, I brought two top Treasury officials to Maine to meet with our affected border communities to hear their concerns about this problem. In the meeting held in Calais, small business owners such as Louis Bernardini, owner of the Boston Shoe Store, and Bill Francis, owner of Knock on Wood gift shop, explained that Canada's duty barriers cost their businesses thousands of dollars in estimated revenue on an annual basis. These losses are compounded by other challenges facing their and other small businesses—an economic recession, the weakness of the Canadian dollar, and additional restrictions on border security following September 11.

This discrepancy in personal exemption allowances gives an enormous competitive advantage to the Canadian and Mexican retailers in border communities. It gives the retailers of our neighbors to the north and the south access to the cross-border shoppers while, in effect, denying that same opportunity for American retailers. This is not fair nor free trade.

In June 2002, I wrote to the Bush administration requesting that it raise the issue with its Canadian counterparts as soon as possible. Former Treasury Secretary O'Neil responded to my request and wrote to John Manley, the Canadian Minister of Finance and Deputy Prime Minister, asking him to adopt "a more trade-friendly and less administratively burdensome system of personal duty allowances."

I had the opportunity to meet personally with John Manley this week regarding border issues. During this meeting, I told him that Canada's re-

strictive personal exemption policies threaten the economies of its neighboring communities. I was encouraged by Minister Manley's understanding of my concerns and acknowledgment that this issue needs to be resolved.

Currently, Treasury officials are actively negotiating with Canada to try to resolve the problem. The resolution I am introducing today expresses the sense that the Secretary of the Treasury and the United States Trade Representative should continue discussions with officials of the Governments of Canada and Mexico to achieve parity with respect to the personal exemption allowance structure. Passage of this amendment will send a clear message to these governments that the duty disparity unfairly disadvantages American businesses and must be corrected. I urge my colleagues to support its swift passage.

#### SENATE RESOLUTION 120—COMMEMORATING THE 25th ANNIVERSARY OF VIETNAM VETERANS OF AMERICA

Mr. JEFFORDS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 120

Whereas the year 2003 marks the 25th anniversary of the founding of Vietnam Veterans of America;

Whereas the history of Vietnam Veterans of America is a story of the United States' gradual recognition of the tremendous sacrifices of its Vietnam-era veterans and their families;

Whereas Vietnam Veterans of America is dedicated to advocating on behalf of its members;

Whereas Vietnam Veterans of America raises public and member awareness of critical issues affecting Vietnam-era veterans and their families;

Whereas the local grassroots efforts of Vietnam Veterans of America chapters, such as Chapter One in Rutland, Vermont, which was founded 23 years ago in April of 1980, have greatly contributed to the quality of the lives of veterans in our Nation's communities;

Whereas Vietnam Veterans of America promotes its principles through volunteerism, professional advocacy, and claims work; and

Whereas the future of Vietnam Veterans of America will rely not only on its past accomplishments, but also on the future accomplishments of its members, and these will ensure that Vietnam Veterans of America remains a leader among veterans advocacy organizations: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 25th anniversary of the founding of Vietnam Veterans of America, and commends it for its efforts in the advancement of veterans rights, which set the standard for all other veterans organizations around the country;

(2) asks all Americans to join in the celebration of the 25th anniversary of Vietnam Veterans of America, and its 25 years of advocacy on behalf of Vietnam veterans; and

(3) encourages Vietnam Veterans of America to continue to represent and promote its goals in the veterans' community and on Capitol Hill, and to continue to keep its national membership—consisting of 45,000 members and 600 chapters—strong.

Mr. JEFFORDS. Mr. President, I rise today with great pride and enthusiasm